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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,537	06/09/2006	Eric J. Argentar	6aa01p/us	9976
25894	7590	03/17/2009	EXAMINER	
LAWRENCE EDELMAN, ESQ 3 BUFFALO RUN EAST BRUNSWICK, NJ 08816				HENRY, THOMAS HAYNES
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/582,537	ARGENTAR, ERIC J.
	<b>Examiner</b>	<b>Art Unit</b>
	THOMAS H. HENRY	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-45 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/05/08, 07/005/08.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 52 and 53 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 52 claims that the wheel, left button, and right button are a part of a “mouse button type control unit”, however in claim 53, the wheel, left button and right button are mounted on the side of the central body of the control device. As best understood by the examiner, claim 52 is claiming a mouse type device to be used in conjunction with the invention claimed in claim 46, and in claim 53, the buttons from the mouse type device is included in the device claimed in claim 46, and is also included in the mouse type device claimed in claim 52. If this is the case, the new wheel, left button, and right button lack antecedent basis.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 46, 47, 58, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Gouschy et al (US 6545661).

1. In re claim 46, Gouschy discloses

- A coordinate control unit (18) adapted to be handled by the user in order to generate input information related to a vertical and a horizontal tilt of the control device (column 1 lines 56-64, figure 6a-6c, column 2 lines 58-59)
- A game play control unit (14) adapted to be handled by the user in order to generate game play input information (column 1 lines 57-64)
- A controller (15) adapted to process said input information from the coordinate control unit to provide point of view information of an avatar of the user in the video game to the computer system and adapted to process said input information from the game play control unit in order to provide game information representative of at least positional movement of the avatar of the user in the video game to the computer system (column 1 lines 57-64)
- A central body, a handgrip extending downward from a rear section of the central body, a barrel extending longitudinally forward from the central body (figure 3)

3. In re claim 47 Goschy discloses a y-axis sensor adapted to input information regarding a tilt of the barrel of the control device in a vertical direction and an x axis sensor adapted to input information regarding a tilt of the barrel of the control device in a horizontal direction (Figure 6a-6c)

4. In re claim 58, Gouschy discloses a trigger to be used for shooting (Figure 3 #22)

5. In re claim 62, Gouschy discloses

- Providing a display control unit with a shape substantially similar to a firearm, the display control unit comprising a central body, a handgrip extending downward from a rear section of the central body, and a foregrip or barrel extending longitudinally forward from the central body (Fig 3)
- Receiving information from a coordinate control unit portion of the display control unit that is related to a vertical and a horizontal tilt of the display control unit and is representative of point of view information of an avatar of the user in the video game (column 1 lines 57-64)
- Receiving information from a game play control unit portion of the display control unit that is representative of at least positional movement of the avatar of the user in the video game (column 1 lines 57-64)
- Providing game information for controlling the display of the computer system based on information received from the coordinate control unit and providing game information for controlling the display of the computer system based on information received from the game play control unit (column 1 lines 57-64)

6.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 50, 51, 54, 63, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouschy.
4. In re claims 50 and 51, Goushy discloses at least one accelerometer adapted to provide input information regarding the vertical and horizontal tilt of the control device in order to provide information regarding a desired vertical and horizontal point of view of the avatar of the user in the video game (figure 6a-6c) or the position of a curser on a computer (the location that the gun is aiming is a curser on a computer) Goushy does not disclose use of a gyroscope, however using a gyroscope rather than an accelerometer was an obvious matter of design choice as they both perform the same function. Furthermore, gyroscopes were well known in the art at the time the invention was made, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Goushy with this well known technique for economic purposes.
5. In re claim 54 Goushy discloses a directional controller adapted to input information regarding longitudinal and lateral movement in space (column 1 lines 15-28) a plurality of buttons adapted to provide information regarding a plurality of actions performed on the display (figure 3 #22 and 17). Goushy also discloses that buttons are traditionally used for movement such as crouching and running (column 1 lines 15-28). The invention is disclosed on two separate embodiments, but in view of these two different embodiments, it would have been obvious to one skilled in the art at the time the invention was made to combine the two inventions to allow for buttons to control player's movement,

and the accelerometer to control player's aim, so as to allow for the user to control movement and aim at the same time.

6. In re claim 63, Gouschy discloses a directional controller adapted to input information regarding longitudinal and lateral movement in space (column 1 lines 15-28) a plurality of buttons adapted to provide information regarding a plurality of actions performed on the display (figure 3 #22 and 17). Gouschy also discloses that buttons are traditionally used for movement such as crouching and running (column 1 lines 15-28). The invention is disclosed on two separate embodiments, but in view of these two different embodiments, it would have been obvious to one skilled in the art at the time the invention was made to combine the two inventions to allow for buttons to control player's movement, and the accelerometer to control player's aim. Gouschy also discloses a button on the handgrip, foregrip, or barrel. The language regarding the location of the hands is functional language, and the invention disclosed by Gouschy is capable of being handled in the way disclosed by claim 63, and has the same advantages as disclosed by claim 63.

7. In re claim 64, Gouschy discloses receiving information regarding a tilt relative to a centered vertical position of the control device from a y-axis sensor and receiving information regarding a tilt of the barrel relative to a centered horizontal position from an x-axis sensor (Figure 6)

8. Claims 52, 53, 55, and 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gouschy in view of Rosenberg et al (US 6128006).

9. In re claim 52 as best understood, Goushy discloses the claimed invention except

- A mouse button type control unit adapted to be operated by the user in order to generate computer mouse button-type input information, wherein the mouse button type control unit comprises
- A wheel adapted to provide information to scroll up or down on the display
- A left button adapted to provide information regarding selections of the user
- A right button adapted to provide information regarding other selections of the user

10. However Rosenberg discloses

- a mouse type control unit adapted to be operated by the user in order to generate computer mouse button-type input information (figure 1)
- a wheel adapted to provide information to scroll up or down on the display (16)
- A left button adapted to provide information regarding selections of the user (15)
- A right button adapted to provide information regarding other selections of the user (15)

11. Goushy in view of Rosenberg does not disclose combining two separate input devices together, however use of multiple input devices, such as a keyboard and a mouse or the like was notoriously well known in the art at the time the invention was made. Thus it would have been obvious to one of

ordinary skill in the art to combine Goushy with Rosenberg in order to allow the user to use multiple input devices.

12. In re claim 53 as best understood, Goushy discloses a trigger extending downward from the central body in front of at least a portion of the handgrip (Figure 3 #22)

13. Rosenberg discloses the left and right buttons and scroll wheel mounted on another device proximate to the other buttons on the device (figure 3B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Goushy with the invention as disclosed by Rosenberg in order to allow for the two devices to be combined into a single device.

14. In re claim 55, Rosenberg discloses the left and right buttons and scroll wheel mounted on another device proximate to the other buttons on the device (figure 3B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Goushy with the invention as disclosed by Rosenberg in order to allow for the two devices to be combined into a single device.

15. In re claim 57, Goushy discloses a button positioned on the barrel of the control device.

16. Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goushy in view of Noguchi (US 20010028516)

17. In re claims 50 and 51, Goushy discloses at least one accelerometer adapted to provide input information regarding the vertical and horizontal tilt of

the control device in order to provide information regarding a desired vertical and horizontal point of view of the avatar of the user in the video game (figure 6a-6c) or the position of a curser on a computer (the location that the gun is aiming is a curser on a computer) Gouschy does not disclose use of a gyroscope, however using a gyroscope rather than an accelerometer was an obvious matter of design choice as they both perform the same function. Furthermore, Noguchi discloses using gyroscopes to provide input information regarding tilt (paragraph 70). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gouschy with this well known technique for economic purposes.

18. Claims 56 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouschy in view of Rosenberg in further view of Dote et al (US 5213335).

19. In re claim 56, Gouschy in view of Rosenberg discloses the claimed invention except for a foregrip extending down from the barrel of the weapon, wherein the directional controller is positioned on the foregrip and is operable by a thumb and figures of another hand of the user gripping the foregrip. However Dote discloses a foregrip (figure 6). Rosenberg teaching adding the buttons to another device teaches adding the directional controller to any particular location. Furthermore, placing the directional controller on the foregrip is an obvious matter of design choice, as it would have worked equally as well in any other place on the gun that is comfortable to the user. It would have been obvious to one skilled in the art to combine the teachings of Gouschy in view of Rosenberg

with Dote in order to make the gun more aesthetically pleasing or more comfortable.

20. In re claim 59, Dote discloses a shoulder stock extending behind the central body of the control device and adapted to steady the control device against the shoulder of the user (figure 11B).

21. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gouschy in view of Rosenberg in further view of IGN (game boy advance controller).

22. In re claim 60 Gouschy discloses the claimed invention except for a display unit on the control device to provide additional image information to a user of the control device. However IGN discloses a display unit on the control device. It would have been obvious to one skilled in the art to combine Gouschy in view of Namba with IGN in order to allow for more to be displayed.

23. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gouschy in view of Namba in further view of Leifer et al (US 6280327).

24. In re claim 61 Gouschy does not disclose a feedback unit adapted to provide tactile feedback to a user of the control device. However Leifer discloses a tactile feedback unit on a game controller (column 7 lines 23-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gouschy with Leifer in order to increase realism.

25. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouschy in view of Yamamoto et al (US 6206783).

26. In re claim 48, and 49 Goschy discloses the claimed invention except for using a horizontal and vertical shaft attached to the barrel along with optical encoders to read the x and y axis inputs. Goschy instead discloses using an accelerometer (abstract). Using this system to determine the x and y inputs would have been an obvious matter of design choice, as using an accelerometer would solve the same stated purpose of determining axis movement. Furthermore, Yamamoto discloses the use of shafts to determine rotation about an axis for a gun type control input (column 6 lines 30-40). It would have been obvious to one skilled in the art at the time the invention was made to combine Goschy with Yamamoto in order to allow for a more secure design.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

Thomas H Henry  
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Art Unit 3714